

CHAPTER 1335

S.B. No. 1133

AN ACT

relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 186, Utilities Code, is amended by adding Section 186.007 to read as follows:

Sec. 186.007. WEATHER EMERGENCY PREPAREDNESS REPORT. (a) In this section, "commission" means the Public Utility Commission of Texas.

(a-1) The commission shall analyze emergency operations plans developed by electric utilities as defined by Section 31.002, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in this state and prepare a weather emergency preparedness report on power generation weatherization preparedness. In preparing the report, the commission shall:

- (1) review the emergency operations plans currently on file with the commission;*
- (2) analyze and determine the ability of the electric grid to withstand extreme weather events in the upcoming year;*
- (3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and*
- (4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of electric service.*

(b) The commission may require an electric generation entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the electric generation entity can provide adequate electric generation services.

(c) The commission may adopt rules relating to the implementation of the report described by Subsection (a-1).

(d) The commission shall submit the report described by Subsection (a-1) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30, 2012.

(e) The commission may submit subsequent weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

- (1) March 1 for a summer weather emergency preparedness report; and*
- (2) September 1 for a winter weather emergency preparedness report.*

(f) The emergency operations plans submitted for the report described by Subsection (a-1) and any subsequent plans submitted under Subsection (e) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed. An electric generation entity within the ERCOT power region shall provide the entity's plan to ERCOT in its entirety.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Passed the Senate on April 4, 2011: Yeas 31, Nays 0; passed the House on May 23, 2011: Yeas 146, Nays 0, two present not voting.

Approved June 17, 2011.

Effective June 17, 2011.

CHAPTER 1336

S.B. No. 1167

AN ACT

relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision (3), Section 711.001, Health and Safety Code, is amended to read as follows:

(3) "Cemetery organization" means:

(A) an unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or

(B) a corporation, *as defined by Section 712.001(b)(3)* ~~[either for profit or not for profit]~~, that is authorized by its *certificate of formation or its registration* ~~[articles of incorporation]~~ to conduct a business for cemetery purposes.

SECTION 2. Section 711.002, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the person with the right to control the disposition of the decedent's remains fails to make final arrangements or appoint another person to make final arrangements for the disposition before the earlier of the 6th day after the date the person received notice of the decedent's death or the 10th day after the date the decedent died, the person is presumed to be unable or unwilling to control the disposition, and:

(1) the person's right to control the disposition is terminated; and

(2) the right to control the disposition is passed to the following persons in the following priority:

(A) any other person in the same priority class under Subsection (a) as the person whose right was terminated; or

(B) a person in a different priority class, in the priority listed in Subsection (a).

SECTION 3. Section 711.061, Health and Safety Code, is amended to read as follows:

Sec. 711.061. REQUIREMENTS FOR LAWN CRYPTS. (a) A lawn crypt may not be installed unless:

(1) the lawn crypt is constructed of concrete and reinforced steel or other comparably durable material;

(2) the lawn crypt is installed on not less than six inches of rock, gravel, or other drainage material;

(3) the lawn crypt provides a method to drain water out of the lawn crypt;

(4) the outside top surface of the lawn crypt at the time of installation is at least 1-1/2 feet below the surface of the ground as required by Section 714.001(a)(2) and is capable of withstanding the weight of the soil and sod above the top surface and the weight of machinery and equipment normally used in the maintenance of the cemetery;

(5) the lawn crypt is installed in a garden or other section of the cemetery that has been dedicated for lawn crypt interment purposes in accordance with Section 711.034; and

(6) ~~[except as provided by Section 711.062,]~~ the lawn crypt is installed in multiple units of 10 or more *or as prescribed by Subsection (b).*

(b) A lawn crypt that is part of a private estate may be installed in fewer than 10 units. For purposes of this subsection, a private estate is a small section of a cemetery that has the following characteristics: